

**12862. Misbranding of butter. U. S. v. North Montpelier Cooperative Creamery Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 18358. I. S. No. 1966-v.)**

On June 17, 1924, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the North Montpelier Cooperative Creamery Co., a corporation, North Montpelier, Vt., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 21, 1923, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was misbranded. The article was labeled in part: "One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 72 prints from the consignment showed that the average net weight of the said prints was 15.76 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading, in that the said statement represented that each of said packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 7, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*

**12863. Adulteration of canned apples. U. S. v. 437 Cases of Canned Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19064. I. S. No. 19058-v. S. No. C-4501.)**

On October 16, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 437 cases of canned apples, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Rothbury Canning Co., from Rothbury, Mich., September 2, 1924, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rothbury Brand Apples Packed By Rothbury Canning Co., Rothbury, Mich."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 17, 1924, the J. M. Paver Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

**12864. Adulteration of walnuts in shell. U. S. v. 100 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19079. I. S. No. 13991-v. S. No. E-4991.)**

On October 24, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Gustav Jubec, from Marseilles, France, on or about October 1, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On November 15, 1924, Orloff Bros. & Hershenstein, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300. in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

**12865. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19185. I. S. No. 12873-v. S. No. E-5003.)**

On November 3, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Coop. Creamery Assoc., Boyden, Iowa, on or about October 26, 1924, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On November 13, 1924, the Farmers Cooperative Creamery Co., Boyden, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, or the deposit of collateral in like amount, conditioned in part that it be reprocessed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**12866. Adulteration and misbranding of chocolate products. U. S. v. 21 Boxes of Fisher's Chocolates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16628. S. No. E-4026.)**

On July 14, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 21 boxes of Fisher's chocolates, remaining in the original unbroken packages at Philadelphia, Pa., consigned by S. Fisher & Co., Inc., Hoboken, N. J., alleging that the article had been shipped from Hoboken, N. J., on or about June 3, 1922, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive shells had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the packages in which the article was enclosed contained labels bearing the following statements regarding the said article and the ingredients and substances contained therein, "Fisher's Chocolates \* \* \* Guaranteed and Manufactured By S. Fisher & Co. Inc., Hoboken, N. J. U. S. A. \* \* \* Choc. Fruit Bars" (or "Chocolate Pineapple Hearts", as the case might be), which said statements were false and misleading. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.